HB 1256 Big Sioux Watershed and River Implementation

SOUTH DAKOTA DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

December 6, 2021

Joint Appropriations Committee

Pierre, SD

Process to Date:

- Bill Signed: March 29th
- Form Working group

  Members: DANR, GFP, Pheasants Forever, James River Water Development District, East Dakota Water Development District, Farm Bureau, Ducks Unlimited, SD Corn, SD Association of Conservation Districts, NRCS, Vermillion Basin Water Development District, West Dakota Water Development District, Friends of the Big Sioux, Izaak Walton League, the First Planning District, & Representative Richard Vasgaard
- Plan Development
- Letter of Intent
- Public Comment:
- November Report
- Finalize Plan
- Enrollment Open November 1st

SOUTH DAKOTA DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

Website and Public Notice

- HB 1256 Implementation RBI Website: https://danr.sd.gov/Conservation/WatershedProtection/RiparianBuffer.aspx

South Dakota Department of Agriculture & Natural Resources

SECRETARY'S OFFICE CONTACT US STATE FAIR PRESS

AGRICULTURE & ENVIRONMENTAL SERVICES RESOURCE CONSERVATION & FORESTRY OFFICE OF WATER FINANCE

RIPARIAN BUFFER INITIATIVE

Riparian buffers improve water quality and provide valuable habitat, bank stabilization, additional forage for livestock, and increase the value of marginal crop lands. They are an excellent conservation practice but are not used enough to provide significant water quality improvements in South Dakota's impaired watersheds.

Project Description

Nonpoint source pollution can be difficult to control, measure, and monitor, and has a major effect on our rivers and streams. In South Dakota, common pollutants include sediments, nitrogen, phosphorus, and bacteria. These contaminants reach our surface waters through runoff and erosion. Riparian buffers are an effective way to filter out pollutants by slowing down runoff and allowing sediments to filter out. Buffers also allow nutrients to be taken up by plant tissues before entering waterbodies.

Through the South Dakota Riparian Buffer Initiative, we have identified streams that are degraded and critically important to the state and our residents which need additional resources to foster greater enrollment in conservation practices to reduce nonpoint source pollution.

Producers that enroll in the initiative will be required to buffer either existing pastureland or revegetate cropland. Enrollment requires a buffer of at minimum 50 ft and not to exceed 120 ft. Vegetation may not be harvested or mowed between May 1 and August 1. Vegetation may not be grazed between May 1 and September 30. A minimum of four inches of cover must always be maintained.

Riparian Buffer Initiative (RBI) - Overview

Goal: To establish over 3,000 acres of new riparian buffers to make water quality improvements in South Dakota's watersheds.

Step 1: Improve the tax incentive by increasing the tax break from 40 percent to 50 percent and changing the enrollment requirement from annual to once every 10 years (completed during the 2021 legislative session - HB 1042).

Step 2: DANR and GFP are working with a wide range of partners to acquire funding for a state riparian buffer program using annual cash payments to incentivize the use of buffers on private lands in listed impaired watersheds. The program will be outcome driven and focused on maximizing water quality improvements and habitat protection. Enrollment is voluntary and will be managed by DANR.

Timeline:

- January 2021 - May 2021 - Program development / Grant application submitted
- Fall 2021 - Open RBI small scale enrollment in the Big Sioux River
- Winter/Spring 2022 - Open RBI enrollment

Minimum Program Requirements

1. Land must be within one hundred twenty feet of a waterbody noted in ARSD 74:51:03 or must be locally designated by the local board of county commissioners as outlined in SDCL 10-6-31.7
2. Land must have existing or planted perennial vegetation
3. Vegetation may not be harvested or mowed between May 1 - August 1
4. Vegetation may not be grazed between May 1 - Sept. 30
5. A minimum of four inches of cover must always be maintained
6. Buffers must be a minimum of fifty feet and cannot exceed 120 feet in width
7. Must commit to a ten-year contract

Additional incentives will be offered on targeted stream segments identified by DANR, GFP and project partners. To date, targeted stream segments are included in the Upper and Lower Big Sioux watersheds. DANR will continue to evaluate and modify the list of targeted stream segments as needed.

Related Documents

- RBI Application
- RBI Handout
- RBI Project Implementation Propsal
- RBI Presentation

30 Day Public Notice & Comments

The Nature Conservancy
Protecting nature. Preserving life.™

October 25, 2021

Hunter Roberts
South Dakota Department of Agriculture & Natural Resources
523 E Capitol Ave.
Pierre, SD 57501-3182

Re: Riparian Buffer Initiative

Dear Mr. Roberts

The Nature Conservancy commends the Department of Agriculture and Natural Resources for the continued effort to assist landowners implementing and managing riparian buffers for water quality. The Riparian Buffer Initiative is an effective means to reducing nutrients, bacteria and sediment to rivers and streams while also improving aquatic habitat.

The Big Sioux River and its tributaries are a vital asset to the communities they flow through. Increased water flow is eroding banks, delivering more sediment, nutrients and bacteria. These watershed changes and intense rain events also threaten increased flooding to private lands and public infrastructure.

We strongly support efforts by DANR to expand the buffer program to other targeted segments of South Dakota rivers in need of conservation action. The program requirements are reasonable and should deliver water quality results. We are particularly pleased to see a 10-year enrollment period to sustain water quality gains over this longer period of time. Establishing and maintaining buffers is an effective means of reducing sediment, nutrients and bacteria from overland flow while improving stability of banks. We recommend the use of native vegetation to support pollinator and wildlife habitat as a co-benefit.

We wish you success in securing additional federal funds for this program and continued expansion.

Sincerely,

Richard L. Biske
Resilient Waters Director
The Nature Conservancy, SD-ND-MN

The Nature Conservancy
1101 West River Parkway, Suite 200
Minneapolis, MN 55415

SOUTH DAKOTA DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

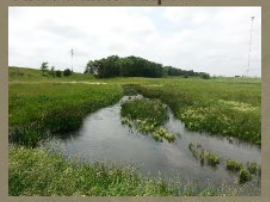
South Dakota Riparian Buffer Initiative

What Are Riparian Buffers?

Riparian buffers are a strip of vegetation between agricultural land and a stream which help protect the stream from impacts of the land use around it. Buffer strips improve water quality and provide valuable habitat, bank stabilization, forage for livestock, and increase the value of marginal crop lands. They are an excellent conservation practice but are not used enough to provide significant water quality improvements in South Dakota's impaired watersheds.

Before buffer strips…

After buffer strips…



photos courtesy of the Big Sioux River Watershed Implementation Project

Program Requirements

- Land must be within one hundred twenty feet of a waterbody noted in ARSD 74:51:03 or must be locally designated by the local board of county commissioners as outlined in SDCL 10-6-31.7
- Land must have existing or planted perennial vegetation
- Vegetation may not be harvested or mowed between May 1st – August 1st
- Vegetation may not be grazed between May 1st – September 30th
- A minimum of four inches of cover must always be maintained
- Buffers must be a minimum of 50 feet and cannot exceed 120 feet in width
- Must commit to a ten-year contract

Benefits to Landowners

- Vegetation in the buffer may be grazed or hayed in the spring and fall
- Exclusion fencing and alternative water cost-share is available
- Increased bank stabilization and water quality for the streams
- Incentive payments and tax breaks for landowners

SOUTH DAKOTA DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

Incentive Payments

Payments are based on county Conservation Reserve Program (CRP) rental rates for filter strips on croplands and marginal pasture lands and will vary depending on location.

Non-Targeted Steam Segments – Payments will equal 50 percent of the CRP rate for cropland or pastureland for 10 years.

Targeted Stream Segments – Payments will equal 100 percent of the CRP rate for cropland or pastureland for 10 years. In addition, participants with pastureland in targeted stream segments are eligible for fencing and alternative water expenses.

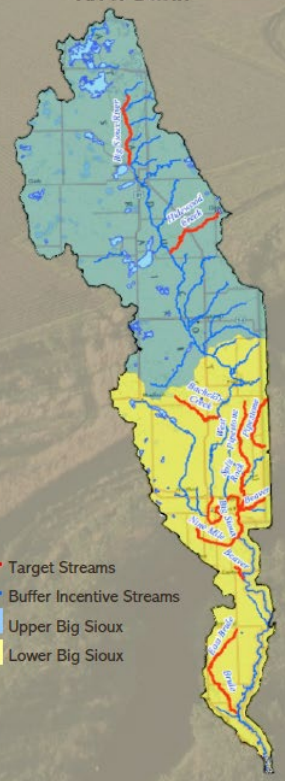
For Example…

Cropland – ½ mile of targeted stream buffered at 50 feet = 3.03 acres of buffer. The overall average rental rate is $171 per acre. $171 x 3.03ac x 10 years = $5,181.30

Pastureland – ½ mile of stream buffered at 50 feet would equal 3.03 acres of buffer. The overall average rental rate is $45 per acre. $45 x 3.03ac x 10 years = $1,363.5

Rental rates will vary by location
Cropland: $131 - $219
Pastureland: $36 - $53

Target Streams in the Big Sioux River Basin



For more information contact

Department of Agriculture & Natural Resources
Tanner Clausen
(605) 362-3559
tanner.clausen@state.sd.us

Pheasants Forever
Matt Morlock
(605) 881-8258
mmorlock@pheasantsforever.org

Special Thanks: Department of Agriculture & Natural Resources, South Dakota Legislature, Pheasants Forever, Game Fish & Parks, and East Dakota Water Development District

SOUTH DAKOTA DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

How to sign up:

Application:
https://danr.sd.gov/Conservation/WatershedProtection/docs/RiparianBuffer/RBI%20Application%207_30_21.pdf

CONTACT:

Department of Agriculture & Natural Resources

- Tanner Clausen
- (605) 362-3559
- tanner.clausen@state.sd.us

Pheasants Forever

- Matt Morlock
- (605) 881-8258
- mmorlock@pheasantsforever.org

SOUTH DAKOTA DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

Questions?

Hunter Roberts
Secretary
605-773-5559
Hunter.roberts@state.sd.us

SOUTH DAKOTA DEPARTMENT of AGRICULTURE and NATURAL RESOURCES